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BSG:AML
DJ No. 90-11-3-1620/2

U.S. Department of Justice

Environment and Natural Resources Division

Environmental Enforcement Section
P.O. Box 7611 Telephone: (202) 514-4213
Washington, D.C. 20044-7611 Facsimile: (202) 616-6584

January 21, 2004

VIA EMAIL AND REGULAR MAIL
FOR SETTLEMENT PURPOSES ONLY

John H. Phillips
Phillips Law Firm, Inc.
9521 Montgomery Rd.
Cincinnati, OH 45242
FAX: 513 985-2503

Re: United States v. Aeronca, Inc. et al.
Civil Action No. 1:01 CV 00439
Providing Financial Information

Dear John:

As you are aware, on many occasions in the past one and one-half months, I have left voice messages and emails regarding the question of when the United States would receive the financial information that we requested of your client, Whitton, by letter dated November 17, 2003. When you and I finally spoke on January 9, 2004, you committed to providing me that information by no later than February 1, 2004. You indicated that if your client did not provide the documents and information to you by that time, then, of course, you could not provide it to me. I certainly understood that.

As we discussed, if I do not receive complete financial information by February 1, 2004, I will seek a conference with the court to ensure that this matter gets resolved as soon as possible. I do not desire to seek the court's assistance, but I will have no choice.

If you disagree with my characterization of the substance of our January 9, 2004 telephone call or anything else in this letter, please let me know by no later than January 23, 2004.

Sincerely,

Annette M. Lang
Trial Attorney

cc: Mike O'Callaghan (email)